

# 10

# Information Bulletin



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## Buffer Area Modifications

Can the minimum 100-foot buffer area required under the Regulations be reduced to a uniform width of 50 feet as long as best management practices are implemented that provide equivalent water quality protection?

No, the landward 50 feet of the 100-foot buffer area may be reduced only the minimum amount necessary to site a water quality BMP or, on lots or parcels recorded prior to October 1, 1989, to provide a reasonable buildable area for a principal structure and necessary utilities. Any other buffer reduction is only permitted through an exception granted by the local government.

Regulatory requirements:

§ 4.3.B of the Regulations allows buffer area modifications within the landward 50 feet as long as the following specific conditions are met: (i) appropriate best management practices (BMPs) must be employed landward of the remaining buffer area; (ii) the BMPs employed must achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot buffer area; and (iii) the applicant must comply with the additional performance criteria in subdivisions 1 through 4 of § 4.3.B.

In particular, § 4.3.B.1 states that vegetation may be removed from the buffer area only to provide for reasonable sight lines, access paths, general woodlot management, and best management practices. Also, § 4.3.B.2 of the Regulations allows buffer modifications on lots or parcels recorded prior to October 1, 1989 in the landward 50 feet without employing water quality BMPs, but **only** the minimum amount necessary to achieve a reasonable buildable area for a principal structure and necessary utilities.

The Local Assistance Manual (pp. IV-46, IV-50, and IV-51) provides further guidance on this issue, as follows:

*Once the Buffer area is established, the Regulations provide for certain modifications to the composition of the buffer area in order to maintain its long-term functional quality and accommodate personal use. In situations where modifications **are necessary** in the buffer area, the Regulations set out additional performance criteria that shall apply. (emphasis added)*

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*In certain instances, the landward fifty feet of the buffer area **may be** used for the installation and maintenance of best management practices appropriate for the site. The buffer width **may be** reduced with the use of BMPs under two different circumstances:*

- *The developer needs to install BMPs in the landward 50 feet of the buffer as part of a BMP system that satisfies the stormwater management criteria for the entire development; (Note: this assumes that*

